

EXHIBIT**5**CAUSE NO. CC-21-03081-E

ELIU RAMON,

Plaintiff,

vs.

CARGO EXPRESS GEORGIA, LLC,
CARGO SOLUTION EXPRESS, INC. and
SOHAN SINGH,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. _____

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, ELIU RAMON, an individual (hereinafter referred to as "Plaintiff"), complaining of CARGO EXPRESS GEORGIA, LLC, CARGO SOLUTION EXPRESS, INC. and SOHAN SINGH, and for cause of action would show unto the Court the following:

1. DISCOVERY CONTROL PLAN

1.01 Plaintiff intends for this lawsuit to be controlled by Level 3 of the Texas Rules of Civil Procedure.

2. PARTIES

2.01 Plaintiff ELIU RAMON is a resident of Tarrant County, Texas. The last three digits of Plaintiff's Social Security number are 446 and the last three digits of Plaintiff's driver's license are 302.

2.02 Defendant CARGO EXPRESS GEORGIA, LLC, is a foreign limited liability company licensed to do business in Texas and may be served with process by delivering Petition and Citation

to its registered agent, BOBBY KANG, at 281 Mount Zion Road SW, Atlanta, GA 30354, or wherever he may be found.

2.03 Defendant CARGO SOLUTION EXPRESS, INC. is a foreign corporation licensed to do business in Texas and may be served with process by delivering Petition and Citation to its President, BALWINDER K. KANG, at 24203 Peak Ct., Diamond Bar, CA 91765, pursuant to Tex. Bus. Org. Code, § 5.255 (1), or wherever he may be found.

2.04 Defendant SOHAN SINGH (hereinafter sometimes referred to as “Defendant SINGH”), is an individual residing in Indiana who may be served with process by delivering Petition and Citation at 1325 Old Market Square, Greenwood, IN 46143, or wherever he may be found.

3. JURISDICTION AND VENUE

3.01 Venue is proper in Dallas County, Texas, pursuant to §15.002 *et. seq.* of the *Texas Civil Practices & Remedies Code* in that Dallas County is the county where the incident made the basis of this lawsuit occurred. Furthermore, this Court has jurisdiction over this lawsuit as the amounts sought herein are within the jurisdictional limits of this Court. While the amount of damages to be awarded will be a decision made by a jury of Plaintiff's peers, to comply with T.R.C.P. 47, as revised, Plaintiff states that he is seeking damages pursuant to Rule 47(c)(3).

4. FACTS

4.01 This is a truck wreck case involving two 18-wheel vehicles which occurred on October 7th, 2019. On that date, Plaintiff was driving a loaded 18-wheeler tractor/trailer northbound on the service road of State Highway 161 at the intersection with Dalworth Street in Grand Prairie, Dallas County, Texas. Plaintiff had a green light and proceeded to enter the intersection. Defendant SINGH was driving eastbound on Dalworth Street and failed to yield the right-of-way by running the red light at the intersection Dalworth St. and Hwy. 161, resulting in a collision between Plaintiff

and Defendant SINGH's vehicle. As a result, Plaintiff suffered serious bodily injuries, which include injuries to his neck, back, shoulder, and knee.

4.02 At the time of the incident, Defendant SINGH was operating a commercial vehicle in the course and scope of his employment with Defendants CARGO EXPRESS GEORGIA, LLC and/or CARGO SOLUTION EXPRESS, INC.

5. CAUSES OF ACTION

5.01 At the time and on the occasion in question, Defendant SINGH was guilty of various acts and omissions, each of which, singularly or in combination, constituted negligence and each of said acts and omissions of negligence was a proximate cause of the collision in question and Plaintiff's injuries and damages. Defendant SINGH's acts and omissions of negligence include, but are not limited to the following:

- a. Failing to obey a traffic signal by running a red light in violation of Tex. Trans. Code § 544.007;
- b. Failing to maintain a proper look-out;
- c. Driving a commercial vehicle without a mandated commercial driver's license;
- d. Failing to take evasive action to avoid the collision;
- e. Driving distracted;
- f. Failing to yield the right-of-way; and
- g. Driving his vehicle in an unsafe manner.

5.02 Each of the foregoing acts and omissions, singularly or in combination with others, constitute negligence which proximately caused Plaintiff's damages alleged herein.

5.03 Plaintiff further alleges that Defendant SINGH was employed by Defendants CARGO EXPRESS GEORGIA, LLC and/or CARGO SOLUTION EXPRESS, INC., and operating a

vehicle within the course and scope of that employment at the time of the crash made the basis of this lawsuit. Accordingly, Plaintiff alleges that Defendants CARGO EXPRESS GEORGIA, LLC and/or CARGO SOLUTION EXPRESS, INC. are liable, under the theory of *respondeat superior*, for the damages caused by Defendant SINGH.

6. DAMAGES

6.01 As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was injured. Plaintiff demands compensation for the following damages:

- a. Physical pain in the past;
- b. Physical pain which, in all reasonable probability, will be suffered in the future;
- c. Mental anguish in the past;
- d. Mental anguish which, in all reasonable probability, will be suffered in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in all reasonable probability, will be incurred in the future;
- g. Physical disfigurement in the past;
- h. Physical disfigurement which, in all reasonable probability, will be incurred in the future;
- i. Loss of wage earning capacity in the past;
- j. Loss of wage earning capacity which, in all reasonable probability, will be incurred in the future;
- k. Reasonable medical care and expenses in the past; and
- l. Reasonable and necessary medical care and expenses which, in all reasonable probability, will be incurred in the future.

6.02 By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

7. **INTEREST**

7.01 Plaintiff seeks to recover both pre- and post-judgment interest at the highest rates allowed by law.

8. **REQUEST FOR JURY TRIAL**

8.01 Pursuant to Rule 216 of the Texas Rule of Civil Procedure, Plaintiff respectfully requests that this case be tried before a jury.

9. **PRAAYER**

9.01 Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiff receive judgment against Defendants, jointly and severally, awarding the Plaintiff as follows:

- a. Actual damages alleged herein, in an amount in excess of the minimal jurisdictional limits of this Court;
- b. Pre-judgment interest as provided by law;
- c. Post-judgment interest as provided by law;
- d. Costs of court; and
- e. Such other and further relief, at law or in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

/s/ R. Rieker Carsey

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